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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,859	12/03/2004	Casimir Johan Crawley	PU020269	7325

7590 05/26/2010
Joseph S Tripoli
Thomson Licensing Inc
PO Box 5312
Princeton, NJ 08543-5312

EXAMINER

HU, RUI MENG

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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05/26/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/516,859	Applicant(s) CRAWLEY, CASIMIR JOHAN	
	Examiner RuiMeng Hu	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 02/22/2010 have been fully considered but they are not persuasive.

Applicant argued the present invention is to solve a problem that a phase lock loop in a conventional receiver can unlock due to long periods of transmission idleness, thereafter requiring a user to manually reestablish a PLL to decode an audio signal (specification page 1 line 27 to page 2 line 2; page 4 lines 20-21); by "resetting and initializing a decoder 22 when a loss of the wireless audio file signal is detected" (specification page 4 lines 9-11) which equates the PLL unlocked condition with signal transmission idleness; and figure 3 shows that the decoder is automatically and repeatedly reset and reinitialized throughout a period of signal transmission idleness at a transmission source, the repetition is dependent on an unlocked condition corresponds to a "loss of the wireless audio file signal" (figure 3, page 4 lines 9-11).

The Examiner respectfully submits that claims 1, 7 and 12 recited "automatically and repeatedly reset and reinitialize said decoder throughout a period of signal transmission idleness at a transmitter source", and the specification (page 4 lines 9-11) and figure 3 stated in response to a loss of the wireless audio file signal (or unlock of the PLL), reset and reinitialize said decoder, but fail to clearly mention "automatically and repeatedly reset and reinitialize said decoder throughout a period of signal transmission idleness at a transmitter source". It is clear that the wireless audio file signal is lost only once as entering idleness state of transmission, and during the period

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of idleness no audio file signal is present in said receiver or said decoder, thus a loss of the wireless audio file signal during the period of idleness will not occur. Therefore the specification (page 4 lines 9-11) and figure 3 do not support the limitation above.

Response to Amendment

Specification

2. The amendment filed on 02/22/2010 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "The microprocessor continually *queries* the EFM decoder and determines whether the decoder's EFM PLL is locked or unlocked".

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

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one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding **claim 1**, the specification fails to support “automatically and repeatedly reset and reinitialize said decoder throughout and during a period of signal transmission idleness at a transmitter source”. According to figure 3 and specification page 4 lines 13-21, which stated “The processor 24 continually polls the decoder 32 to determine if a phase lock loop in the demodulation of the incoming audio file signal has been lost 33. If the decoder's phase lock loop PLL has unlocked the processor undertakes a software reset of the decoder and reinitializes a phase lock loop condition in the decoding of the audio file signal received at the antenna 25”, it is clear that polling for a loss of phase lock loop and reinitializing the phase lock loop in the decoder 32 require a received incoming audio file signal, and nowhere of the specification clearly mention said polling and said reinitializing occur during the period of signal transmission idleness.

Same argument applies to independent claims 7 and 12.

5. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recited “automatically and repeatedly reset and reinitialize said decoder throughout and during a period of signal transmission idleness at a transmitter source”.

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According to figure 3 and specification page 4 lines 13-21, which stated “The processor 24 continually polls the decoder 32 to determine if a phase lock loop in the demodulation of the incoming audio file signal has been lost 33. If the decoder's phase lock loop PLL has unlocked the processor undertakes a software reset of the decoder and reinitializes a phase lock loop condition in the decoding of the audio file signal received at the antenna 25”, it is clear that polling for a loss of phase lock loop and reinitializing the phase lock loop in the decoder 32 require a received incoming audio file signal, thus said polling and said reinitializing would not possibly occur during the period of signal transmission idleness, since no transmission signal from the transmitter and no received signal present in the receiver during the period of signal transmission idleness.

Same argument applies to independent claims 7 and 12.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed**

to: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RuiMeng Hu whose telephone number is 571-270-1105. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/RuiMeng Hu/

R.H./rh

May 22, 2010

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618